

UNITED STATES OF AMERICA)
)
v) NO. EP:17-MJ-04461(1)MAT
)
JOSE FRANCIS YANES MANCIA)

APPEARANCES:

*****NONE ANNOUNCED*****

Proceedings recorded by electronic recording.
Transcript produced by Rhonda McCay, CSR, RPR.

1 (Proceedings called to order)

2 THE COURT: All right. Agents, please, raise
3 your right hand.

4 (Agents sworn)

5 THE COURT: All right. Have a seat, please.

6 Okay. If any of you using the headsets have
7 any trouble with the headsets, please get my attention
8 or the interpreter's attention immediately so that we
9 can take care of that problem, please.

10 All right. I'm Judge Torres. We're here to
11 conduct your initial appearance.

12 At this hearing, I will advise you of the
13 charges that you face, of the possible maximum sentence
14 that you face. I'm required to tell you what the
15 possible maximum sentence is. I will give you
16 information regarding your attorney, the time and date
17 of your next hearing. I'll discuss your situation
18 regarding bond. I will also advise you of your
19 rights.

20 Now, in some cases, I will set bond. In other
21 cases, I cannot set bond because the government has
22 filed a motion to have you detained pending trial. In
23 those cases, what I will do is set your very next
24 hearing to include a detention hearing at which you have
25 the right to take up any bond matters with this Court.

1 Let me advise you of some important rights at
2 this time. First, you do have the right to remain
3 silent. You don't have to answer any questions about
4 your case. Anything that you say can be used against
5 you in court.

6 Let me see. Well, let me just ask the folks on
7 this side of the room. Do you understand your right to
8 remain silent?

9 (All respond "Yes")

10 THE COURT: I need to hear you. (Spanish).

11 Starting with those of you sitting against the
12 wall over here, do you understand your right to remain
13 silent?

14 (All respond "Yes")

15 THE COURT: In the back row, those of you being
16 assisted by the interpreter, do you understand your
17 right to remain silent?

18 (All respond "Yes")

19 (Proceedings continued but are not made a part
20 of this record)

21 THE COURT: Now, you have the right to a
22 lawyer. You can hire the attorney of your choice or I
23 will appoint an attorney for you if you cannot afford
24 one.

25 Starting with those of you that are sitting

1 against the wall over here, do you understand that you
2 have the right to have an attorney represent you on
3 these criminal charges?

4 (All respond "Yes")

5 THE COURT: In the back row, the two
6 Spanish-speakers -- actually, the three
7 Spanish-speakers -- I'm sorry. I missed you, sir -- do
8 you understand that you have the right to have an
9 attorney represent you?

10 (All respond "Yes")

11 THE COURT: And how about the five
12 English-speakers in the back row, do you understand that
13 you have the right to have a lawyer represent you on
14 these charges?

15 (All respond "Yes")

16 THE COURT: All right. And that's a "yes" from
17 all five.

18 Now, if you don't have the money to hire a
19 lawyer, I will appoint a lawyer for you. Is there
20 anybody here who has already hired an attorney?

21 (No response)

22 THE COURT: Anybody?

23 Okay. Then I will be appointing a lawyer for
24 all of you who cannot afford one.

25 I need to advise you of one additional right.

1 This right applies to those of you that are not citizens
2 of the United States. If you are not a citizen of the
3 United States, you have the right to have -- you have
4 the right to have the consulate of your home country
5 notified that you've been arrested or detained.

6 All right. The consulate, as you probably
7 know, is your home country's representative here in the
8 United States, okay? And they may have consulates
9 throughout the United States in different cities or
10 maybe just one or two.

11 In any case, you can make sure that your
12 consulate is informed that you've been arrested if you
13 wish to do so. You can do this by letting a federal law
14 enforcement officer know that you've been arrested. And
15 I'm talking about a United States federal law
16 enforcement officer. Or a lawyer for the government of
17 the United States that you might see here in the
18 courtroom or something, you can let them know to notify
19 the consulate of your home country that you've been
20 detained, if you wish to do so.

21 Do -- starting with those of you sitting
22 against the wall here to my left, do you understand
23 these consular rights that I've just explained?

24 (All respond "Yes")

25 THE COURT: Okay. And the three gentlemen in

1 the back row being assisted by the interpreter, do you
2 understand these consular rights?

3 (All respond "Yes")

4 THE COURT: And the five English-speakers in
5 the back row, do you understand these consular rights?

6 (All respond "Yes")

7 THE COURT: Okay. And that's a "yes" from all
8 five.

9 Okay. Now, some of you will also have the
10 right to a preliminary hearing to determine if the
11 government has enough evidence to hold you to answer to
12 the charges it is making against you. I'm going to call
13 on you individually and in groups.

14 Please stand up and say "Present" when I call
15 your name and remain standing until I tell you
16 otherwise.

17 (Proceedings continued but are not made a part
18 of this record)

19 THE COURT: Jose Francis Yanes Mancia?

20 THE DEFENDANT: Present.

21 (Proceedings continued but are not made a part
22 of this record)

23 THE COURT: Okay. Each one of you has the same
24 charge. You're each charged with a misdemeanor offense
25 of illegal entry into the United States. This

1 misdemeanor charge carries a possible sentence of
2 anywhere from no time in jail up to a possible maximum
3 of six months in jail, a fine of from zero up to \$5,000
4 and a \$10 special assessment.

5 In each one of your cases, I'm setting bond at
6 \$5,000 cash or corporate surety.

7 Now, if any of you have any intention of paying
8 your bond or having your family pay a bond, I would
9 strongly recommend that you speak to your lawyer first
10 before you do so. Your lawyer may make you aware of
11 some facts that could impact your decision as to whether
12 you make that financial commitment or not.

13 Now, let's see here. Let me ask you, those of
14 you that are standing, do any of you own or rent -- do
15 any of you own your own homes or any homes or land?

16 (Proceedings continued but are not made a part
17 of this record)

18 THE COURT: Now, let me ask, again, those of
19 you that are standing, do any of have over \$500 in any
20 bank account that you have access to or in your jail
21 commissary? Anybody?

22 (No response)

23 THE COURT: And there's no affirmative answers
24 to that, for the record.

25 So based on this information, I do qualify you

1 for an appointed lawyer.

2 Mr. Claudino, Mr. Garcia Granados,
3 Mr. Gutierrez Diaz, Ms. Hernandez Neti, Mr. Ramirez Poc,
4 Mr. Yanes Mancia, I've appointed attorney Edward
5 Rodriguez to represent you. He's an attorney in private
6 practice. He will be by to meet with you prior to your
7 next court hearing, and that is set November 2nd at 9:30
8 in the morning, okay? I expect Mr. Rodriguez should be
9 out there sometime this week to visit with you.

10 (Proceedings continued but are not made a part
11 of this record)

12 THE COURT: Now, let me tell you all briefly
13 about this next court hearing. At this next court
14 hearing a number of things can happen. And it's
15 basically your decision as to what happens. You can ask
16 for more time. If you need more time to prepare for
17 your case, I will consider that request.

18 If you want a trial, that is, a proceeding in
19 which you would be contesting your charges, you can make
20 that request, and I would set you for trial probably
21 within two weeks, maybe three weeks at the most, and you
22 could prepare with your attorney and prepare for your
23 defense.

24 Finally, your third choice is to plead guilty
25 and to be sentenced on that very day if that's what you

1 want to do.

2 Now, your attorney will give you advice as to
3 how he or she thinks you should proceed, and you can
4 make up your own minds after that. You can decide what
5 you want to do, but I just wanted to give you an idea of
6 what to expect at this court hearing next week.

7 Now, have each of you understood everything
8 that I've just discussed?

9 (All respond "Yes")

10 THE COURT: Let me just tell you briefly --
11 this is applies to those of you that are standing as
12 well everybody -- every defendant in the room, with the
13 exception of Ms. Ruiz and Mr. Mendez Mendoza, you are
14 charged by a document called a complaint, okay?

15 A criminal complaint says specifically what law
16 you are alleged to have violated. It tells us the date
17 and the time of this alleged violation. And it is --
18 there's an affidavit, a sworn statement of facts, made
19 by one of the agents involved in your arrest that
20 basically makes the factual allegations in support of
21 this charge against you.

22 Obviously, you have a right to contest this if
23 you wish. But I wanted to let you know and I'm required
24 to let you know the nature of the charging document
25 against you.

1 All right. And those of you that are standing,
2 you can have a seat, please.

3 (Proceedings continued but are not made a part
4 of this record)

5 THE COURT: All of you will be meeting with
6 your attorney in the very near future. Your attorney
7 will discuss in detail everything that we've talked
8 about today.

9 In a few minutes, you're going to receive
10 written notice that your case has been set for the next
11 court hearing, and this written notice will contain the
12 name and the contact information for your attorney.

13 Let me ask you, those of you that are actually
14 sitting against the wall over here that have the charges
15 of illegal entry, is there anybody in this group right
16 here that was accompanied by a minor child or a minor
17 sibling?

18 (Proceedings continued but are not made a part
19 of this record)

20 THE COURT: Mr. Yanes?

21 THE DEFENDANT: Yes.

22 THE COURT: Mr. Yanes, you were accompanied --
23 don't tell me the name, but you were accompanied by a
24 minor child of yours?

25 THE DEFENDANT: Yes.

1 THE COURT: How old is that child?

2 THE DEFENDANT: He was about to turn 15 on the
3 3rd of October.

4 THE COURT: And it's a boy?

5 THE DEFENDANT: Yes, he is a boy.

6 THE COURT: Okay. Again, were you given any
7 information at the time of your arrest about how -- how
8 to contact authorities about the whereabouts or the
9 well-being of your child?

10 THE DEFENDANT: No. They did not give me --
11 they just -- they just said they were going to take him
12 to an institution for children. In fact, I have with me
13 an address of my brother that is here.

14 THE COURT: Go ahead.

15 THE DEFENDANT: But an officer came by and took
16 that, where I had the address written down and -- when I
17 was laying down with my son, and I have nothing now.
18 They took it away and kept it, and I have nothing now to
19 be able to contact them.

20 THE COURT: Okay. And you're from Honduras,
21 Mr. Yanes?

22 THE DEFENDANT: Yes. From Honduras.

23 THE COURT: Thank you, sir.

24 THE DEFENDANT: I'm from Copaneco [phonetic],
25 Honduras.

1 THE COURT: Okay. Thank you, sir. You can
2 have a seat.

3 (Proceedings continued but are not made a part
4 of this record)

5 THE COURT: For those of you that I just talked
6 to about being accompanied by your children or
7 grandchildren, make sure you discuss it with your
8 attorney, please, and your attorney may be able to
9 assist you in getting some information about the
10 whereabouts and well-being of your children.

11 All right. We're in recess. You're in the
12 custody of the U.S. Marshals.

13 (Deposition concluded)

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1 CERTIFICATE OF ELECTRONIC RECORDING

2
3 I, Rhonda McCay, CSR, RPR, certify that the
4 foregoing is a correct transcription from the electronic
5 recording of the proceedings in the above-entitled
6 matter.

7 I further certify that I am neither counsel
8 for, related to, nor employed by any of the parties to
9 the action in which this electronic recording was taken,
10 and further that I am not financially or otherwise
11 interested in the outcome of the action.

12 Signed this 8th day of November, 2017.
13
14

15 /s/ Rhonda McCay-----
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